

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PURE POWER BOOT CAMP, INC.
PURE POWER BOOT-CAMP FRANCHISING
CORPORATION, and PURE POWER BOOT
CAMP JERICHO INC.,

Plaintiffs,

- against -

WARRIOR FITNESS BOOT CAMP, LLC;
ALEXANDER KENNETH FELL a/k/a ALEX FELL,
Individually; RUBEN DARIO BELLIARD
a/k/a RUBEN BELLIARD, Individually;
JENNIFER J. LEE, Individually;
and NANCY BAYNARD, Individually,

Defendants.

ECF Case
Case No. 08-cv-4810 (JGK) (THK)

DECLARATION OF ERIC J.
MICHAELS, ESQ.

ERIC J. MICHAELS, ESQ., declares, as follows, pursuant to 28 U.S.C. § 1746:

1. I am a partner in the law firm of Fox Rothschild LLP (“Fox Rothschild”), attorneys for Defendants Warrior Fitness Boot Camp, LLC, Alexander Kenneth Fell, Ruben Dario Belliard, Jennifer J. Lee and Nancy Baynard (“Defendants”).
2. This declaration is respectfully submitted in support of Defendants’ Motion for an Order Precluding the Use or Disclosure of Specific E-mails Illegally Obtained by Plaintiffs, Pure Power Boot-Camp, Inc., Pure Power Boot-Camp Franchising Corp., and Pure Power Boot-Camp Jericho Inc. (collectively “Plaintiffs”), directing the immediate return of the E-mails, and granting Defendants their attorney’s fees, costs, and disbursements resulting from Plaintiffs’ illegal actions. I am familiar with the factual matters set forth herein.
3. Prior to the institution of this action, Fox Rothschild provided legal advice to Defendant Alex Fell (“Fell”) with respect to the formation of Warrior Fitness Boot Camp, LLC (“Warrior Fitness”).

2. In March 2008, I sent e-mail messages to Fell regarding Warrior Fitness.
3. I asked Geraldine Sutera ("Sutera"), a paralegal employed by Fox Rothschild and working directly under my supervision, to send e-mail messages to Fell on my behalf.
4. On March 5, 2008, Sutera sent an e-mail message, containing information from the Internal Revenue Service on Warrior Fitness, to Fell on my behalf.
5. On March 20, 2008, Sutera sent an e-mail message, containing the Articles of Organization that I had prepared for Warrior Fitness, to Fell on my behalf. I was a copied recipient on this e-mail message.
6. At all times, Sutera, working under my supervision, and I sent these e-mails for the purposes of giving confidential legal advice to my clients, and the e-mails were not intended to be disclosed to third parties.
7. These e-mails are protected by the privilege of attorney-client communication and attorney work product.

/S/
ERIC J. MICHAELS, ESQ.